

Appl. No.: 09/882,834
Amdt. dated 07/27/2005
Reply to Official Action of April 28, 2005

REMARKS

This communication is filed in response to the second, non-final Official Action of April 28, 2005. By way of background, we previously received a restriction requirement, dividing the claims into two groups, Group I including Claims 1-20 directed to a system and method for managing inventory, and Group II including Claims 21-58 directed to a system, method and computer program product for transferring electronic files. Following election of the claims of Group I, Claims 1-20 are now considered by the first Official Action.

In the second Official Action, method Claims 1, 2, 7, 9 and 10 are no longer rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter; nor are all of the pending claims, namely Claims 1-20, rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0010659 to Cruse et al. In this regard, the second Official Action now rejects all Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over the Cruse publication, in view of U.S. Patent No. 5,638,519 to Haluska. As explained below, however, Applicants respectfully submit that the claimed invention of the present application is patentably distinct from the Cruse publication and Haluska patent, taken individually or in combination. As such, Applicants respectfully traverse the rejections of the claims as being unpatentable over the Cruse publication in view of the Haluska patent. In light of the remarks presented herein, Applicants respectfully request reconsideration and allowance of the present application.

As explained in response to the first Official Action, the Cruse publication provides an inventory management/control system that enables point of use replenishment coupled with available centralized oversight. As disclosed, when inventory reaches a pre-set level (from a two-bin/kanban arrangement), a code representative of the particular stock is forwarded to a central database repository. From the central database repository, a purchase order can be sent to a pre-identified supplier such that the supplier can thereafter ship the stock directly to the point of use. A receipt and/or a code indicative of the new stock can then be entered into the system. As also disclosed, centralized authority can be granted access to the central database repository to enable review, modification and configuration of all or a part of the total inventory situation.

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The Haluska patent discloses an electronic system and method for controlling and tracking information related to business transactions occurring between a provider and a receiver of goods. The system of one embodiment includes a provider computer in communication with a business controller at a provider location, and a receiver computer in communication with a transaction generator at a receiver location. The business controller and transaction generator are in communication with one another, and as such, the provider computer and receiver computer are in communication via the business controller and transaction generator. As disclosed, the receiver computer provides electronic business transaction information to the transaction generator, which also receives information from the business controller. This information may include, for example, inventory levels of products in a warehouse, or claim information relating to a receipt of damaged goods, overage or shortage of goods, or the like. Then, upon receipt of a business activity, the transaction generator processes the information and may generate a business transaction activity. Each time a business transaction is generated, it is sent from the transaction generator to both the receiver computer and to the business controller, which in turn relays the transaction activity information to the provider computer.

The claimed invention of independent Claim 1 provides a method for managing an inventory of a product of a supplier that is provided to a customer. As recited, the method includes creating an open purchase order including a minimum and a maximum of acceptable inventory of the product. A supply amount of the product is stored in a storage unit that is remote from the supplier and proximate to the customer (from which additional amounts of the product can be provided to the customer). A product inventory count for the product is maintained by decreasing the product inventory count as the customer ships out the product, and conversely increasing the product inventory count as the customer receives additional amounts of the product. As also recited, the product inventory count is monitored at a supplier location (remote from the customer location) such that the supplier is capable of detecting when product inventory counts approach the respective lower limits by falling below a notification level between the lower limit and the upper limit.

As explained in response to the first Official Action, and as now conceded in the second Official Action, the Cruse publication does not teach or suggest monitoring inventory of a

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consumer at a supplier location (remote from the customer location) such that the supplier is capable of detecting when product inventory counts approach a lower inventory limit. Nonetheless, the second Official Action now alleges that the Haluska patent teaches this feature of the claimed invention, and that it would have been obvious to one skilled in the art to modify the Cruse system with the teachings of the Haluska patent to disclose the claimed invention. The second Official Action alleges that one skilled in the art would be motivated to modify the Cruse system with the teachings of the Haluska patent "in order to facilitate tracking of inventory levels at a distributor warehouse (referred to as the customer) for overage and shortage amounts.

In contrast to the allegations of the second Official Action, Applicants respectfully submit that the Haluska patent, like the Cruse publication, does not teach or suggest monitoring inventory of a consumer at a supplier location (remote from the customer location) such that the supplier is capable of detecting when product inventory counts approach a lower inventory limit, as recited by independent Claim 1. The Haluska patent does disclose a transaction generator transmitting inventory level activity to a business controller such that the business controller generates a purchase order, and notifies the transaction generator. From the order notification, the transaction generator creates a business transaction that is sent to both the provider computer and receiver computer via the business generator and transaction generator, respectively. Even in this instance, however, the Haluska patent does not teach or suggest that either the business controller or the provider computer monitors inventory level to detect when an inventory level approaches a lower limit, as recited by the claimed invention. Rather than the business controller monitoring inventory level to detect the recited inventory level, the Haluska patent discloses inventory level activity is transmitted to the business controller (at the provider location). Moreover, the Haluska patent provides no insight as to what is exactly meant by "inventory level activity," much less that it indicates that inventory level is approaching a lower limit.

The second Official Action alleges that one skilled in the art would be motivated to combine the teachings of the Cruse publication and Haluska patent to facilitate tracking of inventory levels at a receiver warehouse for overage and shortage of goods. In making such a statement, however, the Official Action appears to be confusing the teachings of the Haluska patent. In this regard, the Haluska patent does disclose that the business controller (and thus the

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provider computer) can be notified of information relating to overage or shortage of goods. As explained by the Haluska patent, however, the overage or shortage of goods refers, not to inventory in a warehouse, but to a shipment of goods. Thus, if a shipment of goods has an overage or a shortage, the Haluska system provides for generating and processing a claim associated with that shipment. *See* Haluska Patent, col. 7, ll. 38-41; and col. 9, ll. 51-53.

Also in contrast to the claimed invention of independent Claim 1, neither the Cruse publication nor the Haluska patent teaches or suggests that the customer receives additional amounts of inventory from the supply amount stored in the storage unit located remote from the supplier and proximate the customer. As disclosed by the Cruse publication, the customer maintains an inventory 210 of stock, where the customer's production line 205 depletes the inventory. To replenish the inventory, then, a vendor 125, 135 receives an order from the customer, and sends a shipment 225 to the customer. *See* Cruse Publication, paragraph 30, FIG. 2. Alternatively, the customer or vendor can send an order to a proprietary distribution center, from which the shipment is sent to the customer. In either event, however, the Cruse publication does not teach or suggest that the customer's inventory is replenished (i.e., the customer receives additional amounts of a product to thereby increase the product inventory count) from a location (i.e., a storage unit) remote from the vendor and proximate to the customer. At most, it could be suggested that the proprietary distribution center is located remote from the vendor. Even in such an instance, however, the Cruse publication does disclose any location relationship between the proprietary distribution center and the customer, much less that the proprietary distribution center is located proximate the customer, in a manner similar to that recited by the claimed invention.

The Haluska patent does disclose the relative locations of the components of the disclosed electronic system for controlling and tracking information. In this regard, the Haluska patent discloses that a provider computer in communication with a business controller at a provider location, and a receiver computer in communication with a transaction generator at a receiver location. The Haluska patent does not disclose, however, from where the receiver receives inventory of a product. More particularly, the Haluska patent does not disclose that the receiver receives additional amounts of inventory from the supply amount stored in the storage

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unit located remote from the supplier and proximate the customer, as recited by independent Claim 1.

Applicants therefore respectfully submit that the claimed invention of independent Claim 1, and by dependency Claims 2-10, is patentably distinct from the Cruse publication and Haluska patent, taken individually or in combination. Applicants also respectfully submit that the claimed invention of independent Claim 11 recites subject matter similar to that of independent Claim 1. For example, like independent Claim 1, independent Claim 11 recites that the supplier and/or second processing unit disposed proximate the supplier is capable of monitoring the product inventory count such that the supplier and/or second processing unit is capable of detecting product inventory counts that approach a lower limit. Also like independent Claim 1, independent Claim 11 recites a storage unit remote from the supplier and proximate the customer, where the supplier provides product to the customer from a supply amount of the product stored in the storage unit. Applicants therefore also respectfully submit that the claimed invention of independent Claim 11, and by dependency Claims 12-20, is patentably distinct from the Cruse publication and Haluska patent, taken individually or in combination, for at least the same reasons given above with respect to independent Claim 1.

In addition to the reasons given above, Applicants respectfully submit that a number of the dependent claims of the present application recite features further patentably distinct from the Cruse publication and Haluska patent, taken individually or in combination. For example, dependent Claims 2 and 12 of the present application recite that an additional amount of product is provided to the customer independent of a purchase order associated with the additional amount. In contrast, in all embodiments of the system disclosed by the Cruse publication, customer inventory is replenished from processed orders received from the customer, or remote sites/base site of the customer. Even in the min/max model disclosed in paragraph 92 of the Cruse publication, the system automatically reorders inventory upon reaching a minimum. Likewise, in all embodiments disclosed by the Haluska patent, inventory is delivered in response to purchase orders for such inventory. *See* Haluska Patent, col. 3, ll. 52-64; col. 4, ll. 52-56; and col. 5, ll. 39-57.

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For at least the reasons given above, then, Applicants respectfully submit that the claimed invention of Claims 1-20 is patentably distinct from the Cruse publication and Haluska patent, taken individually or in combination. As such, Applicants further respectfully submit that the rejection of Claims 1-20 as being unpatentable over the Cruse publication in view of the Haluska patent is overcome.

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CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



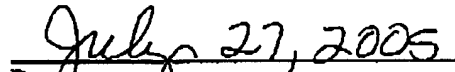
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